

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>DWIGHT RUSSELL, <i>et al.</i>,</b>	§	
<b><i>Plaintiffs,</i></b>	§	
	§	
<b>V.</b>	§	<b>CIVIL ACTION NO. 4:19-CV-00226</b>
	§	
<b>HARRIS COUNTY, TEXAS, <i>et al.</i>,</b>	§	
<b><i>Defendants.</i></b>	§	

---

**ADVISORY**

---

INTERESTED NON-PARTY HARRIS COUNTY DISTRICT ATTORNEY KIM  
OGG provides the following information requested by the Court in its order of April 14, 2020  
(Docket Entry No. 122).

**I. QUESTIONS**

On April 14, the Court issued the following standing order:

On **Tuesdays** and **Fridays** by **5:00 p.m.**, starting April 17, 2020, the parties and interested nonparties must continue to provide the court with information on: (1) the number of pretrial felony arrestees unable to pay a secured bond who have been released on a personal bond with no remaining disputes preventing that release; (2) the number who remain in pretrial custody because they are unable to pay a secured bond and whose release on a personal bond is challenged by the District Attorney; (3) the population of felony pretrial arrestees in the Harris County Jail; (4) the length of delays before individualized formal bail hearings after such hearings are requested; and (5) the number of arrestees and workers in the Jail who have positive COVID-19 test results and the number with pending test results.

*See* Docket Entry No. 122 at 29.

## II. ANSWERS

1. **The number of pretrial felony arrestees unable to pay a secured bond who have been released on a personal bond with no remaining disputes preventing that release.**
2. **The number who remain in pretrial custody because they are unable to pay a secured bond and whose release on a personal bond is challenged by the District Attorney.**

For purposes of this analysis, we assume that anyone who has a bail amount set and has not obtained a surety bond is a detainee “unable to pay a secured bond.”

Please see the charts attached as Exhibits A, B and C.

4. **The length of delays before individualized formal bail hearings after such hearings are requested.**

The Harris County Office of Court Administration has directed the court coordinators of each state district court to start coding requests for individualized formal bail hearings with the notation BLHG. Since this protocol began on April 17, 2020, there have been 37 individual defendants given BLHG settings.

Unfortunately, the undersigned has examined the cases that have been captured as BLHG settings and it appears that the state district court coordinators are setting both formal and informal bond hearings using the BLHG notation. The undersigned will request further refinements in the state district court’s procedures and provide more precise information at the next advisory.

Respectfully submitted,

*Scott A. Durfee*

**SCOTT A. DURFEE**  
State Bar No. 06277550  
Assistant District Attorney  
500 Jefferson, Sixth Floor  
Houston, Texas 77002  
(713) 755-5816 (telephone)  
(713) 368-9275 (facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of April, 2020, a true and correct copy of the foregoing pleading was delivered by electronic notice to counsel for the parties.

**Scott A. Durfee**

\_\_\_\_\_  
Scott A. Durfee